



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XA940]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries;

#### Application for Exempted Fishing Permit

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application submitted by the Northeast Fisheries Science Center in support of the 2021 Study Fleet Program contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt participating vessels from minimum fish sizes and possession limits for species of interest, for sampling purposes only. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notice to provide interested parties the opportunity to comment on Exempted Fishing Permit applications.

**DATES:** Comments must be received on or before *[insert date 15 days after date of publication in the FEDERAL REGISTER]*.

**ADDRESSES:** You may submit written comments by the following method:

- *Email:* [nmfs.gar.efp@noaa.gov](mailto:nmfs.gar.efp@noaa.gov). Include in the subject line "NEFSC STUDY FLEET EFP."

**FOR FURTHER INFORMATION CONTACT:** Maria Fenton, Fishery Management Specialist, 978-281-9196.

**SUPPLEMENTARY INFORMATION:** The Northeast Fisheries Science Center (Center) submitted a complete application for an Exempted Fishing Permit (EFP) in support of the 2021 Study Fleet Program. This EFP would exempt 20 commercial fishing vessels from minimum fish sizes and possession limits for species of interest.

The Center established the Study Fleet Program in 2002 to more fully characterize commercial fishing operations and provide sampling opportunities to augment NMFS's data collection programs. As part of the program, the Center contracts commercial fishing vessels to collect biological data and fish specimens for the Center to use in research relevant to stock assessments and fish biology. The Center's Study Fleet Program trains participating captains and crew to conduct at-sea sampling consistent with Center sampling protocols for survey and observer programs. During EFP trips, crew would sort, weigh, measure, and collect biological data from fish prior to discarding. During sampling, some discarded fish would remain on deck slightly longer than they would under normal sorting procedures. Exemptions from minimum fish sizes and possession restrictions would allow vessels to temporarily retain catch for at-sea sampling.

Table 1 lists the regulations from which participating vessels would be exempt for at-sea sampling or when retaining and landing fish for research purposes. The exemptions listed in Table 1 are necessary for contracted vessels to acquire the biological samples needed to meet Center research objectives.

**Table 1 -- List of Vessel Exemptions for Retaining and Landing Fish**

2021 Study Fleet Program EFP	
Number of Vessels	20
Exempted regulations in 50 CFR part 648	<u>Minimum fish sizes</u>
	§ 648.83 Northeast multispecies minimum fish sizes for haddock, yellowtail flounder, winter flounder, and American plaice
	<u>Possession restrictions</u>
	§ 648.86(a) Haddock § 648.86(d) Small-mesh multispecies

	§ 648.86(g) Yellowtail flounder § 648.86(o) Possession limits implemented by the Regional Administrator
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When directed by the Center, participating vessels would be authorized to retain and land specific amounts of fish exceeding possession limits and/or below minimum fish sizes, for research purposes only. The captain or crew would deliver these fish to Center staff or local Port Agents upon landing. In these limited circumstances, the Study Fleet Program would give participating vessels a formal biological sampling request prior to landing. This would ensure that the landed fish do not exceed any collection needs of the Study Fleet Program, as detailed in Table 2.

**Table 2 -- 2021 Study Fleet Program Biological Sample Collection Needs**

Species	Stock Area*	Gear Types <sup>#</sup>	Collection Frequency	Individual Fish per Collection Period	Maximum Weight Allowed per Trip	Maximum Allowance
Haddock	GOM, GB	OTF, DRS	Monthly (Dec-Mar)	80 per week (40 from each stock area)	300 lb (136 kg)	4,800 lb (2,177 kg)
Winter Flounder	GOM, GB, SNE	OTF, DRS	Monthly (Jan-Apr)	120 per week (40 from each stock area)	240 lb (109 kg)	3,840 lb (1,742 kg)
Yellowtail Flounder	GOM, GB, SNE	OTF, DRS	Monthly (Jan-Apr)	120 per week (40 from each stock area)	135 lb (61 kg)	2,160 lb (980 kg)
American Plaice	Any Area	OTF	Monthly (May-Apr)	100 per month	300 lb (136 kg)	5,760 lb (2,613 kg)
Atlantic Mackerel	SNE	OTM, OTF Jig	Monthly (Jan-Jun)	300 per trip	300 lb (136 kg)	1,800 lb (816 kg)
Shortfin Squid	Any Area	OTM, OTF	Monthly (Dec-Mar)	30 per month	15 lb (7 kg)	60 lb (27 kg)
Summer Flounder	Any Area	OTF	Opportunistic	Maximum 5 per trip	65 lb (29 kg)	650 lb (295 kg)
Black Sea Bass	Any Area	OTF	Opportunistic	Maximum 5 per trip	22 lb (10 kg)	220 lb (100 kg)

Scup	Any Area	OTM, OTF	Opportunistic	Maximum 5 per trip	13 lb (6 kg)	130 lb (59 kg)
Haddock	Any Area	OTF	Opportunistic	Maximum 5 per trip	20 lb (9 kg)	200 lb (91 kg)
Bluefish	Any Area	OTF	Opportunistic	Maximum 5 per trip	61 lb (28 kg)	610 lb (277 kg)
Witch Flounder	Any Area	OTF	Opportunistic	Maximum 5 per trip	10 lb (5 kg)	100 lb (45 kg)
Yellowtail Flounder	Any Area	OTF	Opportunistic	Maximum 5 per trip	10 lb (5 kg)	100 lb (45 kg)
Atlantic Herring	Any Area	OTM, OTF, Jig	Opportunistic	Maximum 5 per trip	5 lb (2 kg)	50 lb (23 kg)
Atlantic Mackerel	Any Area	OTM, OTF, Jig	Opportunistic	Maximum 5 per trip	5 lb (2 kg)	50 lb (23 kg)
Butterfish	Any Area	OTM, OTF	Opportunistic	Maximum 5 per trip	5 lb (2 kg)	50 lb (23 kg)

\*Stock area abbreviations: Gulf of Maine (GOM); Georges Bank (GB); Southern New England (SNE).

#Gear abbreviations: Otter trawl (OTF); sea scallop dredge (DRS); otter trawl midwater (OTM).

All catch would be attributed to the appropriate commercial fishing quota. For a vessel fishing on a groundfish sector trip, all catch of groundfish stocks allocated to sectors would be deducted from the vessel's sector's annual catch entitlement (ACE). Once the ACE for a stock has been reached in a sector, vessels would no longer be allowed to fish in that stock area unless the sector acquired additional ACE for the stock in question. For common pool vessels, all groundfish catch would be counted toward the appropriate trimester total allowable catch (TAC). Common pool vessels would be exempt from the possession and trip limits listed in Table 1, but would still be subject to trimester TAC closures.

If approved, the Center may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impact that does not change the scope of the initially

approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 17, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

[FR Doc. 2021-05904 Filed: 3/22/2021 8:45 am; Publication Date: 3/23/2021]